



House of Representatives

General Assembly

File No. 267

January Session, 2009

Substitute House Bill No. 5436

House of Representatives, March 26, 2009

The Committee on Insurance and Real Estate reported through REP. FONTANA, S. of the 87th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING GUIDE OR ASSISTANCE DOGS AND AUTOMOBILE INSURANCE COVERAGE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-334 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2010*):

3 (a) The Insurance Commissioner shall adopt regulations with
4 respect to minimum provisions to be included in automobile liability
5 insurance policies issued after the effective date of such regulations
6 and covering private passenger motor vehicles, as defined in
7 subsection (e) of section 38a-363, motor vehicles with a commercial
8 registration, as defined in section 14-1, motorcycles, as defined in
9 section 14-1, motor vehicles used to transport passengers for hire,
10 motor vehicles in livery service, as defined in section 13b-101, and
11 vanpool vehicles, as defined in section 14-1, registered or principally
12 garaged in this state. Such regulations shall (1) relate to the insuring
13 agreements, exclusions, conditions and other terms applicable to the

14 (A) bodily injury liability, (B) property damage liability, (C) medical
15 payments, and (D) uninsured motorists coverages under such policies,
16 [shall] (2) make mandatory the inclusion of bodily injury liability,
17 property damage liability and uninsured motorists coverages, and
18 [shall] (3) include a provision that the insurer shall, upon request of the
19 named insured, issue or arrange for the issuance of a bond which shall
20 not exceed the aggregate limit of bodily injury coverage for the
21 purpose of obtaining release of an attachment.

22 (b) The commissioner, before adopting such regulations or any
23 subsequent modifications or amendments thereof, shall consult with
24 insurers licensed to write automobile liability insurance in this state
25 and other interested parties. Nothing contained in such regulations or
26 in sections 38a-334 to 38a-336a, inclusive, as amended by this act, 38a-
27 338 and 38a-340 shall prohibit any insurer from affording broader
28 coverage under a policy of automobile liability insurance than that
29 required by such regulations.

30 (c) For the purposes of subparagraph (B) of subdivision (1) of
31 subsection (a) of this section and section 38a-335, as amended by this
32 act, in the event of the death of a guide dog or assistance dog where
33 such death was the fault of the operator of an insured motor vehicle,
34 the replacement value of such guide dog or assistance dog shall be the
35 cost to replace such dog with a comparably trained guide dog or
36 assistance dog from the same or a similar facility from which such dog
37 that is the subject of the claim was procured. "Guide dog or assistance
38 dog" means a dog that is trained to do work or perform tasks that are
39 directly related to an individual's disability or diagnosed medical
40 condition.

41 Sec. 2. Section 38a-335 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective January 1, 2010*):

43 (a) Each automobile liability insurance policy shall provide
44 insurance in accordance with subsection (c) of section 38a-334, as
45 amended by this act, and the regulations adopted pursuant to section
46 38a-334 against loss resulting from the liability imposed by law, with

47 limits not less than those specified in subsection (a) of section 14-112,
48 for damages because of bodily injury or death of any person and injury
49 to or destruction of property arising out of the ownership,
50 maintenance or use of a specific motor vehicle or motor vehicles within
51 any state, territory, or possession of the United States of America or
52 Canada.

53 (b) Each automobile liability insurance policy issued, renewed,
54 amended or endorsed on or after October 1, 1988, and covering a
55 private passenger motor vehicle as defined in subsection (e) of section
56 38a-363, shall contain or have attached thereto a conspicuous statement
57 specifying whether the policy provides liability, collision or
58 comprehensive coverage for damage to a rented private passenger
59 motor vehicle and, where the policy provides such coverage, the limit
60 of coverage provided and whether any deductible amount applies.

61 (c) Each automobile liability insurance policy issued, renewed,
62 amended or endorsed on or after April 8, 1974, shall provide that if the
63 provisions of the motor vehicle financial responsibility law or the
64 motor vehicle compulsory insurance law or any similar law of any
65 state, territory or possession of the United States of America or any
66 Province of Canada, require insurance with respect to the operation or
67 use of the motor vehicle in such state, territory, possession or province
68 and such insurance requirements are greater than the insurance
69 provided by the policy, the limits of the company's liability and the
70 kinds of coverage afforded by the policy shall be as set forth in such
71 law, in lieu of the insurance otherwise provided by the policy, but only
72 to the extent required by such law and only with respect to the
73 operation or use of the motor vehicle in such state, territory, possession
74 or province; provided the insurance under this subsection shall be
75 reduced to the extent that there is other valid and collectible insurance
76 under such policy or any other motor vehicle insurance policy. In no
77 event shall any person be entitled to receive duplicate payments for
78 the same element of loss.

79 (d) With respect to the insured motor vehicle, the coverage afforded

80 under the bodily injury liability and property damage liability
81 provisions in any such policy shall apply to the named insured and
82 relatives residing in his household unless any such person is
83 specifically excluded by endorsement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	38a-334
Sec. 2	<i>January 1, 2010</i>	38a-335

INS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill sets the replacement value of a guide or assistance dog killed by a motor vehicle operator and does not result in a fiscal impact.

The Out Years

None

OLR Bill Analysis**sHB 5436*****AN ACT CONCERNING GUIDE OR ASSISTANCE DOGS AND
AUTOMOBILE INSURANCE COVERAGE.*****SUMMARY:**

This bill sets the replacement value of a guide or assistance dog whose death an insured motor vehicle operator causes. It specifies that, for claim settlement purposes under an auto insurance policy's property damage liability provisions, the replacement value is the cost to replace the dog with a comparably trained guide or assistance dog from the same or similar facility from which the dog that died was obtained. (A dog is already considered property for purposes of settling property damage claims.)

The bill defines "guide or assistance dog" as a dog trained to perform work or tasks directly related to a person's disability or diagnosed medical condition.

EFFECTIVE DATE: January 1, 2010

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/10/2009)